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NO JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

11 FILLIP ALAN DESSER, MARLO ) Case No. CV 13-09190 DDP (CWx)  
12 ILYNE DESSER, )  
13 Plaintiffs, ) **ORDER GRANTING UNOPPOSED MOTION**  
14 v. ) **TO DISMISS**  
15 US BANK HOME MORTGAGE, a )  
16 division of U.S. BANK, N.A., )  
17 a national association; U.S. )  
18 BANK, N.A., a national )  
19 association; NORTH AMERICAN )  
SAVINGS BANK, F.S.B., a )  
federal savings bank, )  
NATIONAL DEFAULT SERVICING )  
CORPORATION, a corporation, )  
Defendants. )  
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22 Presently before the court is a Motion to Dismiss Plaintiffs'  
23 First Amended Complaint under Rule 12(b)(6) filed by U.S. Bank,  
24 National Association on behalf of itself and U.S. Bank Home  
25 Mortgage, a division of U.S. Bank, National Association. (Dkt No.  
26 24.) Plaintiffs Fillip Alan Desser and Marlo Ilyne Desser have not  
27 opposed the motion. Accordingly, the court GRANTS Defendants'  
28 Motion to Dismiss.

1       Central District of California Local Rule 7-9 requires an  
2 opposing party to file an opposition to any motion at least twenty-  
3 one (21) days prior to the date designated for hearing the motion.  
4 C.D. CAL. L.R. 7-9. Additionally, Local Rule 7-12 provides that  
5 "[t]he failure to file any required document, or the failure to  
6 file it within the deadline, may be deemed consent to the granting  
7 or denial of the motion." C.D. CAL. L.R. 7-12.

8           The hearing on Defendants' motion was noticed for May 19,  
9 2014. Plaintiffs' opposition was therefore due by April 28, 2014.  
10 As of the date of this Order, Plaintiffs have not filed an  
11 opposition or any other filing that could be construed as a request  
12 for a continuance. Accordingly, the court deems Plaintiffs' failure  
13 to oppose as consent to granting the motion to dismiss, and GRANTS  
14 the motion.

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16 IT IS SO ORDERED.

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18 Dated: May 6, 2014



DEAN D. PREGERSON  
United States District Judge

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